

**SCPD POLICY AND LAW COMMITTEE MEETING MINUTES**  
**SEPTEMBER 14, 2017 – 1:00 PM**  
**SMYRNA REST AREA - SMYRNA, DE**

**Members Present:** Daniese McMullin-Powell, Co-Chair; Moni, Edgar, CAP/SILC/UCP; Nick Fina, SCPD/Advocate; Brian Hartman, DLP; Karen Lazar, DHSS Ombudsman; Pat Maichle, DDC; Crystal Sheats, DVR; and Dee Rivard, Support Staff and Amber Rivard, Support Staff.

**GUEST: William Powell**

**CALL TO ORDER**

Daniese called the meeting to order 1:25 pm.

**ADDITIONS OR DELETIONS TO THE AGENDA**

- HR 620 (ADA Education & Reform Act)
- New Federal Medicaid Bill

**APPROVAL OF MINUTES**

Brian made a motion to approve the August 10th minutes and Pat seconded the motion. The August 10<sup>th</sup> minutes were approved as submitted.

**REVIEW OF REGULATIONS AND LEGISLATION**

1. DPH Final DMOST Regulation [21 DE Reg. 233 (9/1/17)] – Reviewed; no further action taken.
2. DLTCRP Final Neighborhood Home Reg. [21 DE Reg. 229 (9/1/17)] - Brian suggested that the Council may wish to consider whether follow up on some standards is appropriate. For example, the Division's approach to firearms, ramps/accessibility, choice of roommates, and locked medications could be the subject of correspondence to CMS. ACL recently came out with new guidance on promoting autonomy in neighborhood homes on September 11 about chronic disease self-management. The other option is to write to Steve Groff about the tension and how long-term care doesn't seem to get it and ask if he would be willing to take another look at our comments. Brian noted that these regulations affect hundreds of people. Pat motioned to send letters to CMS and ACL to notify them of the written concerns and the responses received, including major issues, with a copy to Steve Groff (DMMA). The motion was seconded by Nick Fina. Motion was carried.
3. Dept. of Insurance Health Insurance Arbitration Reg. [21 DE Reg. 197 (9/1/17)] – Brian motioned to endorse the proposed regulation subject to the recommended revisions, with a copy to Matt Denn, Attorney General and Christian Wright, the DAG who is spearheading this program within the DOJ, and DSAMH and DSCYF/DPBHS since this regulation covers adults

and kids. A copy will also be shared with the prime sponsors of the House bill. Pat Maichle seconded the motion. Motion was carried. There was discussion about a mechanism to allow a class of people to file complaints. Brian stated that a complaint could be filed with the Department of Insurance. There are also internal review processes in place and it could go before the Utilization Review Commission.

4. Dept. Of Insurance Health Ins. Claim Review Reg. [21 DE Reg. 192 (9/1/17)] – Brian made a motion to endorse the proposed regulation subject to the recommended revisions, with a copy to Matt Denn, Attorney General and Christian Wright, the DAG who is spearheading this program within the DOJ, and DSAMH and DPBHS since this regulation covers adults and kids. A copy will also be shared with the prime sponsors of the House bill. Pat Maichle seconded the motion. Motion carried.

5. DMMA Prop. "Psych. Under 21" Reimbursement Reg. [21 DE Reg. 187 (9/1/17)] – Brian made a motion to share observations with DMMA, with a courtesy copy to the DPBHS, Rockford, Meadowood, and DDC member Steve Yeatman (also a policymaker for DSCYF). Nick spoke about notifying out-of-state facilities, for example, Johns Hopkins and Devereux, since they are also affected. These hospitals will also be copied on the letter. Pat seconded the motion. Motion was carried.

6. DMMA Prop. Care Expense Deduction Reg. [21 DE Reg. 185 (9/1/17)] – Brian made a motion to endorse the proposed regulation and the motion was seconded by Pat. Motion was carried.

7. DOE Prop. Foster Care Student Placement Reg. [21 DE Reg. 176 (9/1/17)] – Brian made a motion to share observations with DOE and SBE. The current law could be improved by addressing potential conflicts between the identified decision making system and the decision making systems and 504 and the IDEA. Nick spoke about the number of children covered by this regulation would be children with disabilities and some may be covered under IDEA. He asked why a best interest consideration driven by DSCYF driving these decisions rather than the normal IEP process. The following comments will be added to the letter: We expect that a high percentage of kids in DCYSF custody would be subject to IDEA or Section 504 for protection and therefore the placement decision would be effected protected by the regulations under those laws. Current regulation could be improved by addressing potential conflicts between the identified decision-making system and the decision-making system under 504 and the IDEA. Pat seconded the motion. Motion was carried as amended.

## **OTHER BUSINESS**

### HR 620 (ADA Education & Reform Act)

Brian Hartman reviewed and distributed copies of the letter he drafted re: federal legislation to be introduced to reform the ADA. The status of the bill is that on Sept 7 it passed the House on party line vote. It is designed to undermine enforcement of the ADA and is designed to make it more difficult for people to go to court. Hundreds of disability organizations have strongly opposed this bill. Brian motioned to send a letter that he drafted to our national congressional

delegation (Senators Coons and Carper and Representative Rochester) that we oppose this bill (joint letter from SCPD/DDC/GACEC). Pat Maichle seconded the motion. Motion was carried. DDC and GACEC logos will be added to the signatures in the letter.

### **New Federal Medicaid Bill**

Pat Maichle received information from the Senate for Public Representation, which she forwarded earlier today. They encourage people to contact their congressional delegation to ask them not to vote positively for this legislation. The legislation adds caps and Medicaid block grants. Daniese spoke about what block grants mean. State could have different rules and it is called “State flexibility”, but includes a large cut to Medicaid funding. She said that we need to educate legislators as to what block grants mean. Pat felt that it is better to advocate and educate then asking them to oppose the legislation. Brian made a motion to send a communication zeroing on specifics on this bill and attach one summary from a national organization. Pat noted that CPR probably has a summary. That way it will go to the analyst in charge of that area so they can say that they received, for example, 50 letters opposed to the bill. Pat seconded the motion. Motion was carried. It was noted that Senator Carper has been recognized as an expert on health care and a liaison to the National Governors Association.

### **ANNOUNCEMENTS**

None

### **ADJOURNMENT**

The meeting was adjourned at 2:28 pm.

Respectfully submitted,

Jo Singles  
Support Staff

policy & law/min 9-14-17